

Message

From: Whitson, Amelia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=478092F049A74904ACAF85C742FA5ACD-AWHITSON]
Sent: 3/26/2019 8:00:45 PM
To: Goodwin, Cathleen@Waterboards [Cathleen.Goodwin@waterboards.ca.gov]
Subject: RE: Local Limits reviews - request for guidance

Hi Cathy,

I can't find a previous email, but here are the citations to the pretreatment modification public notice requirements and final package submittal contents:

If the POTW satisfies all the public notice requirements (which includes publishing "in a newspaper of general circulation," providing ≥30-day public comment period, and mailing notices to State and Federal fish and wildlife agencies and anyone else who has requested individual notice, among other things specified under 40 CFR 403.11(b) through (f)), as required for substantial pretreatment program modifications by reference under 40 CFR 403.18(c)(2), then the Regional Board's approval would not require an additional public notice.

The final package the POTW would submit to the Regional Board would need to include everything specified under 40 CFR 403.18(c)(1) (both for substantial modifications, and for non-substantial modifications as required under 40 CFR 403.18(d)(1)), including the modified components of the originally-submitted pretreatment program as described under 40 CFR 403.9(b). If they satisfied the public notice requirements above, they should also include documentation of that.

I realize this is a lot of federal regulatory citations – hope all makes sense. Please let me know if you have any questions or need anything else.

Best,

Amelia Whitson
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From: Goodwin, Cathleen@Waterboards <Cathleen.Goodwin@waterboards.ca.gov>
Sent: Thursday, March 21, 2019 9:21 AM
To: Whitson, Amelia <Whitson.Amelia@epa.gov>
Subject: Local Limits reviews - request for guidance

Hi Amelia:

I am reviewing a couple of local limits re-evaluation reports (Santa Rosa and Eureka). It's actually helpful to have a couple of these to review at the same time because I'm seeing differences in some of the decisions made and it's making me review both documents more thoroughly. Based on these reviews, I wanted to share some observations and ask you for guidance.

Section 6.1 of the 2004 Local Limits Guidance document has a discussion regarding determination of the need for new local limits. It includes a couple of statements that I'd like to run by you. The second paragraph states that some

Approval Authorities require that local limits be established for a specific set of pollutants regardless of the outcome of the headworks loading analysis. The list of pollutants given as an example are the non-conventional pollutants (metals + cyanide) that are included in the National Pollutants of Concern list. The third paragraph states, "In EPA's view, a POTW should not use the approaches below in deciding whether to continue to control a pollutant by a local limit because the enforcement of the local limit may be the reason that the pollutant loading has been reduced or is no longer causing problems. If the local limit were removed, industrial users (IUs) may discontinue their use of wastewater pretreatment and POTW loading may increase above the threshold in the criteria. ..."

These two statements lead me to want to require local limits for the non-conventional pollutants on the National POC list since metals and cyanide are pollutants that can come from a number of industrial processes. I'm not specifically aware of any categorical industrial users in Eureka that would have a high potential for generating discharges with high metals or cyanide, but because even many smaller industries could have machine shops and other process where they might discharge metals, this seems like a conservative protective approach. What do you think? What approach does EPA take for facilities that are regulated under EPA permits? Are you aware of whether other Regional Boards in California take this approach? I will probably query a few regional boards to find out.

In reviewing the Santa Rosa and Eureka local limits re-evaluation reports, I see that Santa Rosa elected to retain the metals, even those that had actual headworks loadings well below 50% of the lowest applicable criteria for each pollutants. The exception for Santa Rosa is selenium. For some reason that is the only metal that they are proposing to eliminate local limits for even though it had a higher headworks loading than the other metals. I have asked them about this.

Eureka is proposing to eliminate all pollutants for which the maximum headworks loading is less than 40% of the lowest applicable criteria. Based on their analysis, Eureka concludes that they only need numeric limits for four pollutants (copper, cyanide, zinc, and ammonia) and a narrative limit for Petroleum oil. They based this decision on an analysis of influent and effluent data collected over a 7-day period last August as well as biosolids monitoring data. I reviewed pollutant monitoring data they have submitted over the last five years and concluded that they should consider local limits for several metallic pollutants that have been detected in the effluent at concentrations greater than 50% of the lowest criteria. I would also like them to consider retaining local limits for the National POC pollutants.

Do you have any thoughts to share? Does this all sound reasonable to you?

Thanks
Cathy